

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

PERRY MCCROBEY,	)	
	)	Case No. 1:09-cr-117; 1:16-cv-463
<i>Petitioner,</i>	)	
	)	Judge Travis R. McDonough
v.	)	
	)	Magistrate Judge Christopher H. Steger
UNITED STATES OF AMERICA,	)	
	)	
<i>Respondent.</i>	)	

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**MEMORANDUM OPINION**

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Federal prisoner Perry McCrobey (“Petitioner”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on October 6, 2011 (Doc. 38; E.D. Tenn. Case No. 1:11-cv-300-CLC) and June 27, 2016 (Doc. 67; E.D. Tenn. Case No. 1:16-cv-267-TRM).<sup>1</sup> The Court denied the first motion on March 27, 2015 (Docs. 63, 64), and transferred the second to the Sixth Circuit as a request for leave under § 2255(h)(2) on July 18, 2016 (Docs. 69, 70). On October 7, 2016, Petitioner filed a pro se supplement to the second petition (Doc. 71), and, on November 14, 2016, Petitioner filed what appears to be a third collateral challenge (Doc. 72). The heading of Petitioner’s pro se supplement indicates that he intended that the filing reach the Sixth Circuit.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court.

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<sup>1</sup> Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 1:09-cr-117-TRM-CHS-1.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the Petitioner's pro se supplement (Doc. 71) and third § 2255 motion (Doc. 72) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631. Both motions should be terminated.

**ORDER ACCORDINGLY.**

*/s/ Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**